

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**DAWN GREER and JOHN GREER,
husband and wife**

CIVIL ACTION NO. 2:20-cv-250

Plaintiffs,

vs.

JAMES L. FERNAU, M.D.

Defendant.

COMPLAINT

NOW COME the Plaintiffs, Dawn Greer and John Greer, by and through their undersigned counsel, and for their Complaint against the Defendant, James L. Fernau, M.D., states and avers as follows:

GENERAL ALLEGATIONS

1. The Plaintiff, Dawn Greer, is a citizen and resident of Wheeling, Ohio County, West Virginia.
2. The Plaintiff, John Greer, is a citizen and resident of Wheeling, Ohio County, West Virginia.
3. At all times relevant herein, the Plaintiffs, Dawn Greer and John Greer, were married and living together as husband and wife.
4. Upon information and belief, the Defendant, James L. Fernau, M.D., is a resident and citizen of Coraopolis, Allegheny County, Pennsylvania, and is a physician licensed to practice medicine in the State of Ohio.

FACTS

5. At all times relevant herein, the Plaintiff, Dawn Greer, was a patient under the care and treatment of Defendant, James L. Fernau, M.D.

6. On or about October 16, 2018, the Plaintiff, Dawn Greer, underwent a breast implant and capsulectomy procedure by Defendant, James Fernau, M.D., at Trinity West, in Steubenville, Jefferson County, Ohio.

7. Subsequent to the initial surgery, the Plaintiff, Dawn Greer, was seen by Defendant, James L. Fernau, M.D., numerous times following the October 2018 surgery due to complications concerning the “grenade-type” drains collecting fluid in her breasts as well as issues with the outcome of the initial surgery, including, but not limited to, what Defendant described as a deformity of the left breast.

8. On or about November 21, 2018, the Defendant, James L. Fernau, M.D., recommended to the Plaintiff that she undergo an additional surgical procedure to correct the alleged deformity.

9. On or about December 17, 2018, the Defendant performed a surgical procedure upon the Plaintiff, Dawn Greer, to repair the alleged “deformity” that developed after the initial procedure.

10. During the December 17, 2018, surgical procedure, the Defendant, James L. Fernau, M.D., utilized a v cut tulip cannula in an attempt to excise scar tissue and correct the alleged deformity.

11. The December 17, 2018, surgical procedure recommended and performed by the Defendant, James L. Fernau, M.D., was contraindicated due to the lack of healing time following the initial procedure.

12. The use of the v cut tulip cannula during the December 17, 2018, procedure was contraindicated because it was too aggressive an instrument to utilize during the surgery.

13. Following the December 17, 2018, surgical procedure, the Plaintiff, Dawn Greer, developed a hematoma and necrosis of the breast tissue of the left breast, including, but not limited to, the nipple.

14. On or about February 13, 2019, the Plaintiff, Dawn Greer, was informed that her left nipple is “dead.”

COUNT I

15. The Plaintiff hereby incorporates for reference paragraphs 1 through 15 of this Complaint as if fully set forth herein.

16. Throughout the Plaintiff, Dawn Greer’s treatment the Defendant, James L. Fernau, M.D., was negligent in his treatment and failed to exercise the degree of care, skill, and learning required and/or expected of a reasonable health care provider by, *inter alia*:

- a. Performing surgery on December 17, 2018, rashly following the original surgery, ultimately leading to injury sustained;
- b. Negligently performing the surgery on December 17, 2018, with the use of a v cut cannula, which is too aggressive an instrument necessary, causing the hematoma and/or nipple necrosis suffered by the Plaintiff, Dawn Greer; and
- c. Otherwise failing to exercise that degree of skill, care, and learning required under the circumstances.

17. As a direct and proximate result of the negligent, careless, and/or reckless conduct of the Defendant, James L. Fernau, M.D., the Plaintiff, Dawn Greer, sustained severe and disabling personal injuries, was forced to seek medical treatment and incur medical expenses,

incurred pain and suffering, mental anguish, aggravation, inconvenience, the loss of the ability to function, the loss of enjoyment of life, and permanent scarring and disfigurement.

COUNT II

18. Plaintiffs hereby incorporate by reference paragraphs 1 through 18 of this Complaint as if fully set forth herein.

19. At all times relevant herein, the Plaintiffs, Dawn Greer and John Greer, were married and living together as husband and wife, as aforesaid.

20. As a further direct and proximate result of the negligent, careless, and/or reckless conduct of the Defendant, James L. Fernau, M.D., the Plaintiff, John Greer, sustained a loss of consortium.

PRAYER

WHEREFORE, the Plaintiffs, Dawn Greer and John Greer, respectfully demand judgment against the Defendant, James L. Fernau, M.D., for all damages allowed under applicable law, in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) together with pre-judgment and post-judgment interests and costs, and for such other relief, both general and special, as to the nature of the matter the Court deems just and proper.

DAWN GREER, Plaintiff

By /s/ M. Eric Frankovitch
Counsel

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